S.B. Criminal Misc. Bail Application No.3391/2006

Date : 07.08.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sunil Mehta for the applicants.
Mr. V.R. Mehta, Public Prosecutor.
Mr. Devendra Mahloma for complainant.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in this case, stab wounds on the person of the injured are two in number and both these injuries were caused by sharp edged weapon which are attributed to Moti Ram. Learned counsel has invited my attention to the FIR available on record and also to the Site Inspection Note. It has been specifically stated by the witnesses that two injuries were caused by Moti Ram one on the neck and another on the ribs.

According to learned counsel, since charge-sheet has been filed and the investigation is complete, the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant have opposed the bail application and submitted that injuries caused on the person of the injured were dangerous to life as is opined by the Doctor, therefore, it is not a fit case where accused-applicant should be given benefit of bail under Section 439 Cr.P.C.

I have considered the submissions made before me and carefully perused the material available on record.

Without expressing any opinion on the opinion given by the Doctor to the effect that the injury would have been dangerous to life if the injured would not have been attended in time, however, taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants (1) Mewa Ram son of Bhaguram and (2) Laxman Ram son of Manaram shall be released on bail in CR No.34/2006 P.S. Khatu Badi, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant